

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JOHN F. KENDLE,

Plaintiff,

v.

WHGIG ENTERPRISES, LLC, et al.,

Defendant.

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CASE No. 2:15-cv-01295

Chief Judge Algenon L. Marbley


Magistrate Judge Kimberly A. Jolson

OPINION & ORDER

This matter comes before the Court on Magistrate Judge Kimberly A. Jolson's Report and Recommendation (ECF No. 222). Magistrate Judge Jolson recommends that Plaintiff's case be dismissed for failure to prosecute under Rule 41, as Plaintiff has failed to continue participating in the present litigation or respond to the Court's Order to Show Cause (ECF No. 221) and has caused prejudice to Defendant Rutland. (ECF No. 222 at 3-4).

This Court has reviewed the Report and Recommendation. Noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, this Court **ADOPTS** the Magistrate Judge's Report and Recommendations as this Court's findings of facts and law. Accordingly, this case is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute under Rule 41.

IT IS SO ORDERED.


ALGENON L. MARBLEY
CHIEF UNITED STATES DISTRICT JUDGE

DATED: September 29, 2022